

State of California
AIR RESOURCES BOARD

Resolution 97-20

May 22, 1997

Agenda Item No.: 97-4-3

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, sections 43013, 43101, and 43104 of the Health and Safety Code authorize the Board to adopt emission standards and test procedures to control air pollution caused by motor vehicles;

WHEREAS, section 43018 of the Health and Safety Code directs the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish the attainment of the state ambient air quality standards at the earliest practicable date;

WHEREAS, section 39667 of the Health and Safety Code directs the Board to consider the revision of emission standards for vehicular sources to achieve the maximum possible reduction in public exposure to toxic air contaminants and provides that standards for new motor vehicles shall be based on the most advanced technology feasible;

WHEREAS, following a hearing in August 1990, the Board amended its regulations to establish enhanced evaporative emission test procedures phased in for 1995 and subsequent model-year passenger cars, light-duty trucks, medium-duty vehicles and heavy-duty vehicles; these enhanced test procedures are designed to ensure control of evaporative emissions under virtually all in-use conditions and are contained in California Code of Regulations, title 13, section 1976 and the incorporated California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles;

WHEREAS, a small volume manufacturer -- defined as a manufacturer with California sales less than or equal to 3,000 new vehicles per model year, based on the average number of new vehicles sold by the manufacturer in the previous three consecutive model years -- is not subject to the 1995-1997 enhanced evaporative emission test procedures phase-in requirements applicable to other manufacturers, but all of the small volume manufacturer's vehicles must comply with the enhanced test procedures starting with the 1998 model year;

WHEREAS, the Coalition of Small Volume Automobile Manufacturers (COSVAM), a recently-formed organization which in January 1997 had 19 members with combined California sales of less than 1,000 new vehicles per model year, has requested that the Board delay the enhanced evaporative emission phase-in requirement for its members one year until the 1999 model year;

WHEREAS, the staff has proposed regulatory amendments that would for one model year postpone the enhanced evaporative emission phase-in requirement for a “ultra-small volume manufacturer,” defined as a manufacturer with California sales not exceeding 300 new vehicles per model year, based on the average number of vehicles sold by the manufacturer in the previous three consecutive model years;

WHEREAS, the regulatory proposal would be effected by the amendments to section 1976, title 13, California Code of Regulations, set forth in Attachment A hereto, and the amendments to the California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles set forth in Attachment B hereto;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, the Board has considered the impact of the proposed amendment on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The federal motor vehicle emission control program includes enhanced evaporative emission test procedures which are very similar to the California requirements, and small volume manufacturers are required to comply with the federal enhanced evaporative emission test procedures starting with the 1999 model year;

Along with the California and federal enhanced evaporative emission requirements, ultra-small volume manufacturers of passenger cars will have to comply with the small volume manufacturer low-emission vehicle and the on-board refueling vapor recovery requirements starting with the 2000 model year, and with various elements of the enhanced OBD II requirements in the next few model years;

Most ultra-small volume manufacturers rely on outside suppliers for their engineering, hardware, software, and testing services or supplies, and face potential difficulties in

locating suppliers willing to design their components; when suppliers are found the cost of the components can be high because the research and development costs are distributed over a very small number of vehicles;

Postponing imposition of the California enhanced evaporative emission requirements on ultra-small volume manufacturers until the 1999 model year will make it much more feasible for the manufacturers to implement one set of design changes that address multiple California and federal emission control requirements in a single model year without temporarily abandoning the California market; and

Adoption of the proposed amendments will prevent the manufacturers and importers from losing about 100 to 150 vehicle sales in California, with a retail value of up to about \$6 million;

WHEREAS, the Board further finds that:

Based on the estimate that the amendments adopted herein will result in a one-year delay in implementation of the enhanced evaporative emission requirements for approximately 100 to 150 vehicles, in calendar years 2000 and 2010 the amendments will result in very small statewide emission increases of total organic gases ranging from about one to less than 3 pounds per day, which represent extremely small fractions of the total statewide inventory of light-duty passenger cars;

The extremely small increase in emissions from the proposed regulatory action is justified by the overriding need to avoid exclusion of some ultra-small volume manufacturers from the California 1998 model-year passenger car market;

There are no other feasible mitigation measures or alternatives available to the Board that would substantially reduce the potential adverse impacts of the proposed regulatory action while at the same time assuring that some ultra-small volume manufacturers are not excluded from the California 1998 model-year passenger car market; and

The proposed amendments will not appreciably affect the California State Implementation Plan (the SIP) because the emissions impact is extremely small and the evaporative emission requirements are not among the SIP control measures.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the amendment to section 1976, Title 13, California Code of Regulations, as set forth in Attachment A hereto, and . adopts the amendment to the California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles as set forth in Attachment B hereto.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulatory amendments adopted herein will not cause the California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards.

BE IT FURTHER RESOLVED that the Board hereby finds that separate California emission standards and test procedures are necessary to meet compelling and extraordinary conditions.

BE IT FURTHER RESOLVED that the Board finds that the amendments to the California motor vehicle emission standards and test procedures adopted herein will not cause the California requirements to be inconsistent with section 202(a) of the federal Clean Air Act and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to section 209(b) of the federal Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, forward the amended regulations to the U.S. Environmental Protection Agency with a request for a waiver or confirmation that the regulations are within the scope of an existing waiver of federal preemption pursuant to section 209(b) of the federal Clean Air Act, as appropriate.

I hereby certify that the above is a true and correct copy of Resolution 97-20, as adopted by the Air Resources Board.

Pat Hutchens, Clerk of the Board

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Identification of Attachments to the Resolution

Attachment A: Proposed amendments to section 1976, title 13, California Code of Regulations, as set forth in Appendix B to the Staff Report.

Attachment B: Proposed amendments to the California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles, as set forth in Appendix C to the Staff Report.